

ECF CASE
JUDGE PATTERSON

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

J & J SPORTS PRODUCTIONS, INC., as
Broadcast Licensee of the **May 5, 2007**
DeLaHoya/Mayweather Program,
Plaintiff,

-against-

**ATTORNEY'S AFFIDAVIT OF COSTS
AND FEES**
Civil Action No. 07-cv-08852
HON. ROBERT P. PATTERSON

FIORDALIZA ALVAREZ, Individually, and as
officer, director, shareholder and/or principal of
C & F ENTERPRISES INC. d/b/a LA PALMA
BAR & GRILL a/k/a ESCOBAR a/k/a ESCO BAR,

and

C & F ENTERPRISES INC. d/b/a LA PALMA
BAR & GRILL a/k/a ESCOBAR a/k/a ESCO BAR,

Defendants.

STATE OF NEW YORK :
: SS.:
COUNTY OF ULSTER :

JULIE COHEN LONSTEIN, being duly sworn, deposes and says:

1. That I am the attorney for Plaintiff, J & J Sports Productions, Inc., in the above referenced matter and I am admitted to practice in this Court. I am fully familiar with all the facts, circumstances and proceedings heretofore had herein.

2. I make this affidavit in support of Plaintiff's motion for default judgment and damages, costs and fees.

3. Plaintiff's litigation expenses as associated with the formation, pleading and filing of the above captioned matter are as outlined below:

- a. Filing Fees - \$350.00
- b. Service of Process - \$200.00
Attached hereto as Exhibit "A," please find invoice from Signal Auditing, Inc., reflecting the cost of service upon the Defendants.

- c. Attorneys Fees - \$800.00
See below

Total Litigation Expenses(\$1350.00)

4. Attorney fees at \$200.00 per hour for attorney time spent and \$75.00 for paralegal time spent are as follows:

<u>Date</u>	<u>Action</u>	<u>(in hours)</u>	<u>Fee</u>	
07/18/2007	Factual research and development	.50	\$100.00	Atty
07/18/2007	Claim Letter issued	.25	\$18.75	Para
08/22/2007	Final Notice	.25	\$18.75	Para
09/26/2007	TC to Defendant	.12	\$25.00	Atty
10/10/2007	Complaint drafted, Corporate disclosure	.50	\$300.00	Atty
10/10/2007	Complaint sent to Court for Filing	.25	\$18.75	Para
11/01/2007	Arranged Service	.25	\$18.75	Para
11/02/2007	Review Order	.13	\$25.00	Atty
12/10/2007	Mtn for Continuance	.25	\$50.00	Atty
12/10/2007	Filed and mailed Motion	.25	\$18.75	Para
12/17/2007	Review Service	.12	\$25.00	Atty
12/18/2007	Filed and mailed Proofs of Service	.25	\$18.75	Para
01/14/2008	Drafting Request for Default	.50	\$100.00	Atty
01/14/2008	Filed and mailed Request For Default	.50	\$37.50	Para
01/17/2008	Review Clerk's Certificate	.13	\$25.00	Atty

02/06/2008	Drafted Motion for Default	1.0	\$200.00	Atty
		Hours	Fee	
		3.25 Atty	\$650.00	
		2.00 Para	\$150.00	
		Total	\$800.00	

5. As part of its factual research, Plaintiff's Counsel conducted a search of the New York State Division of Alcoholic Beverage Control, State Liquor Authority. The results show that Fioraliza Alvarez is Principal of C & F Enterprises, Inc., trade name La Palma Bar & Grill. The Public Query results page is attached hereto as Exhibit "B".

We respectfully request that judgment be entered in favor of Plaintiff and against the Defendants in the manner stated herein.

WHEREFORE, your deponent respectfully requests that this Court in its discretion grant judgment by default under 605(a) on COUNT I of the Plaintiff's complaint against the Defendants jointly and severally as follows:

Against, FIORDALIZA ALVAREZ, Individually, and as officer, director, shareholder and/or principal of C & F ENTERPRISES INC. d/b/a LA PALMA BAR & GRILL a/k/a ESCOBAR a/k/a ESCO BAR,

- 1) under 605(e)(3)(C)(i)(II) a sum *in the discretion of the Court*, of up to TEN THOUSAND DOLLARS (\$10,000.00)
- 2) and under 605(e)(3)(C)(ii) a sum *in the discretion of the Court*, of up to ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) for enhanced damages for Defendant's willful violation of 605(a)
- 3) and under 605(e)(3)(B)(iii) *in the discretion of the Court*, costs and Attorney fees of SIX HUNDRED SEVENTY FIVE DOLLARS (\$675.00)

Against, C & F ENTERPRISES INC. d/b/a LA PALMA BAR & GRILL a/k/a ESCOBAR a/k/a ESCO BAR,

- 1) under 605(e)(3)(C)(i)(II) a sum *in the discretion of the Court*, of up to TEN THOUSAND DOLLARS (\$10,000.00)

- 2) and under 605(e)(3)(C)(ii) a sum *in the discretion of the Court*, of up to ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) for enhanced damages for Defendant's willful violation of 605(a)
- 3) and under 605(e)(3)(B)(iii) *in the discretion of the Court*, costs and Attorney fees of SIX HUNDRED SEVENTY FIVE DOLLARS (\$675.00)

Dated: February 6, 2008
Ellenville, NY 12428

/s/ Julie Cohen Lonstein
Julie Cohen Lonstein, Esq.
Bar Roll No. JL8512
Lonstein Law Office, P.C.
Attorneys for Plaintiff
1 Terrace Hill; PO Box 351
Ellenville, NY 12428
Telephone: 845-647-8500
Facsimile: 845-647-6277

Sworn to before me this 6th
day of February 2008

/s/ April Draganchuk
April Draganchuk
Notary Public State of New York
Registration No. 4945872
Residing in Ulster County
My Commission Expires Jan. 27, 2011

Exhibit A

1 Terrace Hill
P.O. Box 615
Ellenville, NY 12428

Date	Invoice #
11/21/2007	1158

Bill To
Lonstein Law Office, PC Wayne D Lonstein 1 Terrace Hill P.O. Box 351 Ellenville, NY 12428

Description	Amount
INDIVIDUAL SERVICE J&J v. FIORDALIZA ALVAREZ YOUR FILE #07-4-S14 CV #07-8852	100.00
Total	\$100.00

1 Terrace Hill
P.O. Box 615
Ellenville, NY 12428

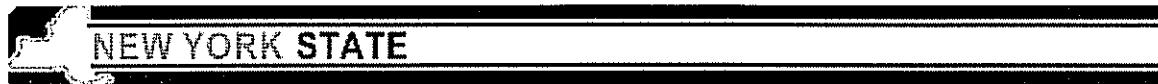
Date	Invoice #
11/14/2007	1157

Bill To

Lonstein Law Office, PC
Wayne D Lonstein
1 Terrace Hill
P.O. Box 351
Ellenville, NY 12428

Description	Amount
CORPORATE SERVICE ON SECRETARY OF STATE J&J v. C&F ENTERPRISES, INC YOUR FILE #07-4-S14 CV#07-8852	100.00
Total	\$100.00

Exhibit B



Eliot Spitzer
Governor

Noreen Healey
Commissioner

Joshua B. Toas
CEO

Daniel B. Boyle
Chairman

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Public Query - Results

License Information

Serial Number: 1163195

License Type: TAVERN WINE

License Status: License is Active

Credit Group: 4

Filing Date: 03/31/2005

Effective Date: 04/01/2007

Expiration Date: 03/31/2008

Premises Information

Principal's Name: ALVAREZ,FIORDALIZA

Premises Name: C & F ENTERPRISES, INC

Trade Name: LA PALMA BAR & GRILL

Zone: 1

Address: 132 AUDUBON AVENUE

181ST & 172ND STREETS

NEW YORK, NY 10032

County: NEW YORK

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